

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

Michael Barrett, IV, et al.,)	
)	
Plaintiffs,)	
)	
v.)	2:11-cv-04242-NKL
)	
Donald M. Claycomb, et al.;)	
)	
Defendants.)	

**EMERGENCY MOTION FOR EXTENSION OF
TEMPORARY RESTRAINING ORDER**

Come now Plaintiffs, pursuant to FED. R. CIV. P. 65(b)(2), and moves this Court for entry of an order extending the temporary restraining order entered on September 14, 2011, so that it remains in full force in effect for an additional fourteen days. In support of this motion, Plaintiffs state:

1. In this action, Plaintiffs challenge the constitutionality of the drug testing policy adopted by the Board of Regents of Linn State Technical College on or about June 17, 2011.
2. On September 14, 2011, this Court entered a temporary restraining order enjoining any further testing of samples and any reporting of results to the school.
3. On September 23, 2011, this Court indicated that a hearing would be held on Plaintiff's motion for preliminary injunction on October 25, 2011.
4. Defendants had told Plaintiffs and this Court that they would consent to an extension of the temporary restraining order until the hearing. Defendants no longer consent.
5. Plaintiffs submit that the temporary restraining order may be modified to clarify that it applies only to drug testing conducted pursuant to the policy adopted by the Board

of Regents of Linn State Technical College on or about June 17, 2011. Defendants do not consent to this modification.

6. If the temporary restraining order lapses, Plaintiffs will be subjected to irreparable harm. No harm will come to Defendants if the order is extended for an additional fourteen days. There is good cause for an extension.
7. This motion should be considered on an expedited basis because Plaintiffs will be irreparably harmed if the temporary restraining order lapses, their motion for preliminary injunction is pending, and their reliance on the representation of Defendants that they would agree to an extension if the TRO was modified to clarify that it applies only to drug testing conducted pursuant to the new policy was reasonable.

WHEREFORE Plaintiffs move this Court for entry of an order extending the temporary restraining order for fourteen additional days. In addition, this Court may modify the temporary restraining order to clarify that it applies only to drug testing conducted pursuant to the policy adopted by the Board of Regents of Linn State Technical College on or about June 17, 2011.

Respectfully submitted,

/s/ Anthony E. Rothert
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ATTORNEYS FOR PLAINTIFF

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served by operation of the Court CM/ECF system upon counsel for each of the Defendants on September 23, 2011.

/s/ Anthony E. Rothert